



Prosecution of DV Cases

Probation's Role

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Coordinated Community Response

- An interagency effort to change the climate of tolerance toward battering *by*:
- Institutionalizing practices and procedures which centralize victim safety and offender accountability in domestic assault cases

STANDARD PSI

■ Provides

- ◆ Good Record Check
- ◆ Quick Assessment of the Defendant's Attitude
- ◆ Basic Information about the Defendant

Misses

- ◆ Danger this Person Poses to the Victim
- ◆ Harm that was Done to the Victim
- ◆ Types of Violence used against the victim

CASE PROCESSING PROBLEMS

- Victim's Experience turns into a Case
- Focus on Incident - not Overall Violence
- Highly Specialized and Fragmented Labor Force
- Goals of all Involved may be Different
- Adversarial Process
- Case Orientation and Contextualization of Cases

DISCUSSIONS

- What would make a person dangerous and make the situation high risk?
- What recommendations could be made to keep victims safe?

IDENTIFIED

- Bizarre, Sadistic Behavior
- Forcing Humiliating Behavior
- Threatening to Kill the Victim or their Family
- Long History of Violence
- Stalking, Obsessive Behavior
- Many, many more

Problem: the mechanics for collecting the information did not exist

CHANGES MUST:

- Be built into the infrastructure of Case Processing
- Be Authorized and Institutionally Sanctioned to Include the Victim's Experience
- Make the Violence Count
- Change the Job, Not the Practitioner

ACCOUNTABILITY

- To Other Practitioners
- To the Victim
- Individual Deterrence
- General Deterrence
- Community Safety

Pre-Sentence Investigations

■ PSI making violence central

- ◆ Level of violence in this incident
- ◆ Past pattern of abuse
- ◆ Victim's perception and action (danger)
- ◆ Defendant's attitude toward victim and incident
- ◆ Defendant's social history
- ◆ Criminal record and protection order history
- ◆ Impact on children/safety

■ PSI making citizenship central

- ◆ Identification of parties
- ◆ Family
- ◆ Marital status
- ◆ Employment/income
- ◆ Education
- ◆ Military history
- ◆ Physical and mental health
- ◆ Defendant's statement and attitude
- ◆ Prior record
- ◆ Legal status

Minnesota Statute 609.2244

Pre-Sentence Domestic Abuse Assessment

- Completed when convicted of domestic assault
- Arrested on domestic assault, but convicted of another offense arising out of the same circumstances surrounding the arrest

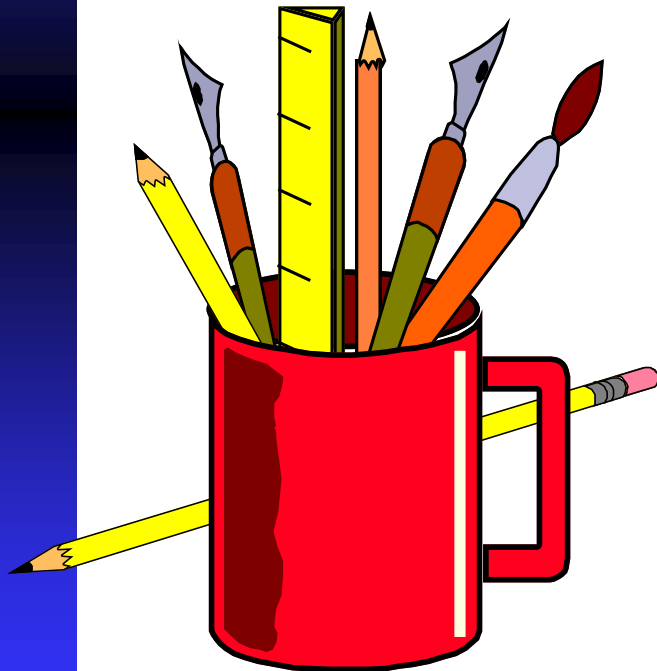
By statute, the PSI report must include

- Recommendation on any limitations on contact with the victim and other measures to ensure victim's safety.
- A recommendation for the defendant to enter and successfully complete domestic abuse programming and any aftercare found necessary by the investigation.

PSI report must include: *continued*

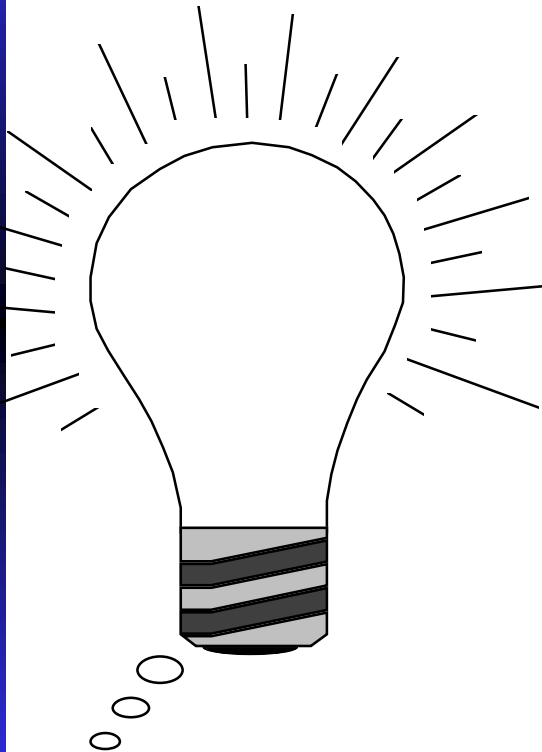
- A recommendation for chemical dependency evaluation and treatment as determined by the evaluation wherever alcohol or drugs were found to be a contributing factor to the offense
- Recommendations for other appropriate remedial action or care, or a specific explanation why no level of care or action is recommended
- Consequences for failure to abide by conditions set up by the court

Domestic Violence Supplement



- Interview with victim or advocate
- Interview with defendant
- Police reports
- OFP history
- 911 reports
- DAIP history
- Past police contact
- Advocate report
- Criminal history

Domestic Violence Supplement



- Points to consider
- Level of violence in this incident
- Past violence/pattern of abuse
- Victim's perception
- Offender attitude
- Offender social history
- Offender arrest/OFP record
- Impact on children

Dangerous Suspect Assessment

continued

- The victim **believes** suspect could seriously kill her/him
- The suspect is obsessed with or stalking the victim
- Children are in the home or involved
- There has been a recent separation, OFP or divorce in the past six months
- The suspect appears to be reacting to the OFP or divorce in a dangerous way
- Record other information you think is important for others to be aware of